

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In Re:

ALUMINUM SHAPES, L.L.C.,

Debtor.

Chapter 11

Case No. 21-16520-JNP

Hon. Jerrold N. Poslusny, Jr.

**MEMORANDUM OF LAW IN SUPPORT OF THE LIQUIDATING TRUSTEE'S
FOURTH MOTION FOR ENTRY OF AN ORDER EXTENDING THE
DEADLINE FOR FILING OBJECTIONS TO CLAIMS**

Advisory Trust Group, LLC, the liquidating trustee (the "Liquidating Trustee"), by and through its undersigned counsel, hereby files this memorandum of law in support of its motion (the "Motion") for entry of an order pursuant to Article VI of the Plan (as defined below) and Rule 9006(b) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), extending the deadline for the Liquidating Trustee and any other party in interest to the extent permitted under

section 502(a) of the title 11 of the United States Code (the “Bankruptcy Code”), to object to claims, and respectfully represents as follows:¹

Background

1. On August 15, 2021 (the “Petition Date”), Aluminum Shapes L.L.C. (the “Debtor”) filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code (the “Chapter 11 Case”) in the United States Bankruptcy Court for the District of New Jersey (the “Court”).

2. On August 11, 2022, the Court entered the *Findings of Fact, Conclusions of Law, and Order (I) Approving the Disclosure Statement on a Final Basis, and (II) Confirming the Official Committee of Unsecured Creditors’ Plan of Liquidation Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 619] (the “Confirmation Order”) which approved on a final basis the *Disclosure Statement of the Official Committee of Unsecured Creditors for the Plan of Liquidation of the Official Committee of Unsecured Creditors Dated May 6, 2022* (as further modified, revised, supplemented and amended) [Docket No. 512]; and confirmed *The Official Committee of Unsecured Creditors’ Plan of Liquidation* [Docket No. 511] (as further modified, supplemented and amended including all attachments and exhibits thereto, the “Plan”).

3. Through the Plan and Confirmation Order, Advisory Trust Group, LLC was appointed as the Liquidating Trustee for the Liquidating Trust.

4. Article VI, Paragraph 6.2.2 of the Plan sets forth the Liquidating Trustee’s rights with respect to filing objections to claims. *See Plan at Article VI, at ¶ 6.2.2.* Specifically, the Plan provides:

... On or after the Effective Date, the Liquidating Trustee will have the sole authority to file settle, compromise, withdraw or litigate to judgment objections to Claims with the exception of objections to Claims already filed by a party in interest with standing prior to the Effective Date.

¹ Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Plan (defined *infra*).

Plan at Article VI, at ¶ 6.2.2.

5. The deadline for the Liquidating Trustee to file objections to Claims is “the latest of: (x) **180 days after the Effective Date**, subject to extension by order of the Bankruptcy Court; and (y) such other period of limitation as may be specifically fixed by the Plan, the Confirmation Order, the Bankruptcy Rules, or a Final Order for objecting to such a Claim.” Plan, at Exhibit A, ¶ 16 (emphasis added). Notably, the Plan provides that the deadline to file objections to claims (the “Claims Objection Bar Date”) may be extended upon motion by the Liquidating Trustee and an order from the Bankruptcy Court. *Id.* at Article VI, ¶ 6.2.4 (“Upon motion to the Bankruptcy Court, the Liquidating Trustee may request, and the Bankruptcy Court may grant, an extension to the Claims Objection Bar Date generally or with respect to a specific list of Claims.”).

6. As set forth in the *Notice of (A) Entry of the Order (I) Approving the Disclosure Statement on a Final Basis, and (II) Confirming the Official Committee of Unsecured Creditors’ Plan of Liquidation Pursuant to Chapter 11 of the Bankruptcy Code; (B) The Effective Date Thereof; and (C) Certain Deadlines* [Docket No. 635], on August 24, 2022 (the “Effective Date”) each of the conditions precedent to the occurrence of the Effective Date were satisfied and that the Effective Date of the plan had occurred. Given that the Effective Date was August 24, 2022, the Claims Objection Bar Date was originally February 20, 2023.

7. On January 13, 2023, the Liquidating Trustee filed the *Liquidating Trustee’s Motion for Entry of an Order Extending the Deadline for Filing Objections to Claims* (the “First Extension Motion”) [Docket No. 704]. On February 15, 2023, the Court entered an order extending the Claims Objection Bar Date from February 20, 2023, to August 21, 2023 (the “First Extended Claims Objection Bar Date”) [Docket No. 714].

8. On July 24, 2023, the Liquidating Trustee filed the *Second Motion for Entry of an Order Extending the Deadline for Filing Objections to Claims* (the “Second Extension Motion”) [Docket No. 725]. On August 15, 2023, the Court granted the Second Extension Motion and extended the deadline to file objections to February 19, 2024 (the “Second Extended Claims Objection Bar Date”) [Docket No. 743].

9. On February 14, 2024, the Liquidating Trustee filed the *Third Motion for Entry of an Order Extending the Deadline for Filing Objections to Claims* (the “Third Extension Motion”) [Docket No. 765]. On March 13, 2024, the Court granted the Third Extension Motion and extended the deadline to file objections to August 19, 2024 (the “Third Extended Claims Objection Bar Date”) [Docket No. 769].

Jurisdiction

10. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

Relief Requested

11. By this Motion, the Liquidating Trustee requests entry of an order extending the Third Extended Claims Objection Bar Date by 90 days through and including November 18, 2024, without prejudice to the Liquidating Trustee’s right to seek further extensions.²

Basis for Relief

12. As noted above, the Plan expressly provides that the Claims Objection Bar Date may be extended upon motion by the Liquidating Trustee and an order from the Bankruptcy Court.

² For the avoidance of doubt, 90-days from August 19, 2024, is Sunday, November 17, 2024. Accordingly, the Liquidating Trustee requests that the Third Extended Claims Objection Bar Date be extended to the next business day, Monday, November 18, 2024.

Plan at Article VI, ¶ 6.2.4 (“Upon motion to the Bankruptcy Court, the Liquidating Trustee may request, and the Bankruptcy Court may grant, an extension to the Claims Objection Bar Date generally or with respect to a specific list of Claims.”).

13. Moreover, the Court may extend the Claims Objection Bar Date pursuant to Bankruptcy Rule 9006(b)(1), which provides as follows:

Except as provided in paragraphs (2) and (3) of this subdivision, when an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order

Fed. R. Bankr. P. 9006(b)(1).

14. The Liquidating Trustee and its professionals are working in earnest to review and if possible, settle Claims. Since the Effective Date, three orders sustaining omnibus claim objections were entered by the Court [Docket Nos. 668, 669, 760]. The Liquidating Trustee has resolved seven preference claims and worked to resolve certain claims informally. Further, the SBA has denied forgiveness of the two PPP loans, but the Liquidating Trustee is still in the process of attempting to resolve the PPP loan forgiveness claims with the SBA. Accordingly, the Liquidating Trustee requests an extension of time to allow the Liquidating Trustee to continue its review the claims and potentially object to those that it may not be able to resolve consensually.

15. The Liquidating Trustee believes that adequate cause exists to extend the Third Extended Claims Objection Bar Date by 90 days, through and including November 18, 2024.

Notice

16. Notice of this Motion has been provided to (a) the Office of the United States Trustee and (b) all parties requesting notice pursuant to Bankruptcy Rule 2002. The Liquidating Trustee submits that no other or further notice need be provided.

WHEREFORE, the Liquidating Trustee respectfully requests entry of an order (i) extending the Third Extended Claims Objection Bar Date through and including November 18, 2024; without prejudice to the Liquidating Trustee's right to seek further extension; and (ii) granting the Liquidating Trustee such other and further relief as the Court deems just and proper.

FOX ROTHSCHILD LLP
Attorneys for the Liquidating Trustee

By: /s/ Martha B. Chovanes
Martha B. Chovanes, Esq.
Joseph J. DiPasquale, Esq.

Dated: August 19, 2024